

REMARKS

This amendment is being filed in response to the Office Action of June 24, 2010. This amendment is accompanied by an RCE. A Notice of Appeal received an Office filing date of September 27, 2010.

Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrington (U.S. Patent 5,088,971). Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 3,388,021). Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Crevier (EP 1364768). Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's application, at pages 1-2 of the specification, in view of Johnson. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited pending application text and Johnson, and further in view of Mojonnier et al. (U.S. Patent 3,600,248). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crevier in view of Mojonnier. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crevier.

Applicant has amended claims 1 and 7 to recite that the probe moves longitudinally of the zipper profiles between the first and second positions and to recite that external pressure is applied when the probe is withdrawn, that is, in the claimed first position, and rather than when the probe is inserted, that is, in the claimed second position.

In comparison, in Herrington, the knife 45, as illustrated in Figure 1, moves transversely of the zipper profile lengths, in the direction labeled as C-D, which is perpendicular to the direction recited in the independent claims. See Herrington, column 5, lines 32-35. Regarding Johnson, the reference fails to disclose in the cited text that the supports 22, 23, as illustrated in Figure 2, which are disclosed at column 4, line 22 as mounted in fixtures 25 and 26, apply pressure selectively and in coordination with the movement of the probe 24 as recited in the claims. In Crevier, the ultrasonic horn 45, illustrated in Figures 7-9, is not a heating means as claimed because, along with an anvil, the horn 45 provides for “ultrasound zipper stomping,” as disclosed in column 11, lines 3-21. In addition, the horn 45 does not move longitudinally of the zipper profiles as claimed. Regarding Mojonnier, it is respectfully asserted that the claims, as drafted, render moot the reference to this publication.

With the above noted differences between the claimed invention and the cited art, it is respectfully submitted that the claims are now patentable. A notice of allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", written over a horizontal line.

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